IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 34752 of 2007(K)

PETITIONER:

SMT.VILASINI, AGED 55 YEARS
D/O. NANI, RESIDING AT MINI VILASAM,
VALAKODU VILLAGE , PATHANAPURAM TALUK.

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)

RESPONDENTS:

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1. THE GENERAL MANAGER,
SOUTHERN RAILWAY, CHENNAI.

2. THE CIRCLE INSPECTOR OF POLICE
RAILWAY PROTECTION FORCE, THIRUNELVELI,
TAMILNADU.

BY ADV. SRI.SUBAL J.PAUL, SC, RAILWAYS
GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P(C).No.34752 of 2007

Dated this the 26th day of November, 2007

JUDGMENT

The petitioner faces allegations under the Railway Property Unlawful Possession Act. On the subject matter, there is a civil dispute also pending. The petitioner faces indictment in C.C.No.71 of 2004, where the allegation is that the petitioner had cut and removed trees standing in the railway property and had kept the same in her possession. The petitioner has come to this Court with a prayer that trial in C.C.No.71 of 2004 may be kept pending until the civil suit - C.S.21 of 2003 is disposed of by the Munsiff's Court, Punalur. There is also a prayer that the Munsiff, Punalur may be directed to try and dispose of C.S.21 of 2003 as early as possible.

2. I am unable to agree that the mere pendency of the civil suit must entail endless adjournment of the criminal case. Evidence can be adduced by the rival contestants about issues that arise for consideration in the criminal case. I am unable to agree that the trial in the criminal case must be directed to be adjourned until the civil suit is disposed of. Prayer No.2 cannot hence be allowed.

3. Of course, there is a prayer that the Munsiff, Punalur may be directed to dispose of C.C.No.21 of 2003 expeditiously. I need only

observe that a suit pending in 2003 must not be permitted to live any longer by the learned Munsiff. The learned Munsiff must make every endeavour to dispose of C.S.21 of 2003 expeditiously. Though as per the roster, the prayer No.1 does not strictly fall within the allotted work of this Court, I am satisfied, that it is not necessary to send the matter to the concerned court under the roster considering the nature of the relief sought.

4. This Writ Petition is dismissed, but with a direction to the learned Munsiff, Punalur to dispose of C.S.21 of 2003 as expeditiously possible.

(R.BASANT, JUDGE)

rtr/-